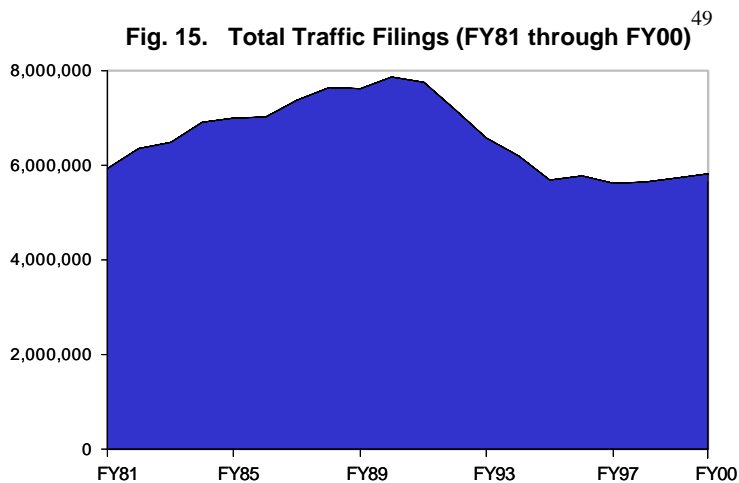


## B. TRAFFIC CASES

The Traffic case-type category contains two case types: Misdemeanors and Infractions. Traffic Misdemeanors includes offenses such as DUIs (driving under the influence of alcohol or drugs), reckless driving, and hit-and-run violations. Most of the other traffic violations are classified as Traffic Infractions.

Overall, *total* traffic filings statewide declined beginning in FY81 and ending in FY00 by 105,851 filings (-1.8%). However, traffic filings steadily increased from FY81 to FY90, but then fell drastically beginning in FY91 through FY95 (averaging a decrease of 519,118 filings per fiscal year). There has been a gradual increase since FY95 through the rest of the 1990s. The 1.95 million decline in traffic filings starting in FY91 and continuing through FY95 represents 80% of the total decline in filings experienced by the trial courts in the 1990s.

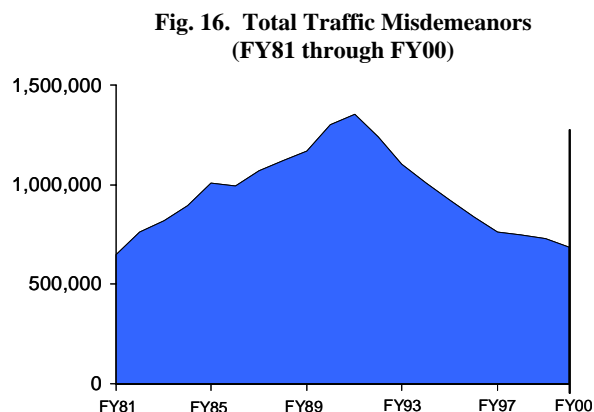


Because traffic infractions constitute 80% or more of all traffic filings, the filing pattern for all traffic cases mirrors the pattern for traffic infractions. Consequently, the traffic misdemeanor pattern in the period surveyed is obscured.

### 1. Traffic Filings by Case Type

#### a. Misdemeanor

Traffic misdemeanors constitute less than 20% of the total traffic filings. The number of traffic misdemeanor filings doubled from FY81 to FY91, and then declined steadily during the 1990s. After the decline throughout most of the 1990s, filing levels are now generally comparable to the levels at the beginning of the 1980s. The decrease in the numbers of traffic misdemeanor filings (-700,000) in the 1990s is second in magnitude only to the decline in traffic infractions; expressed as a

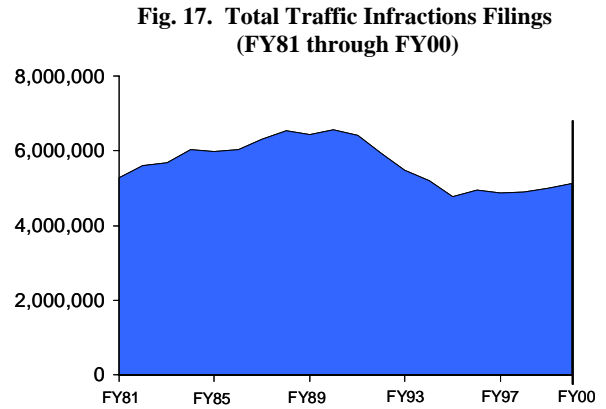


<sup>49</sup> Filing and disposition data cited or represented are from the Judicial Branch Statistical Information System unless otherwise noted. For a list of individual case types in a case-type category, see p. iii. Convention for notation of fiscal years is also found on p. iii.

percentage, this decline in the 1990s (-49%) is the greatest of all case types.

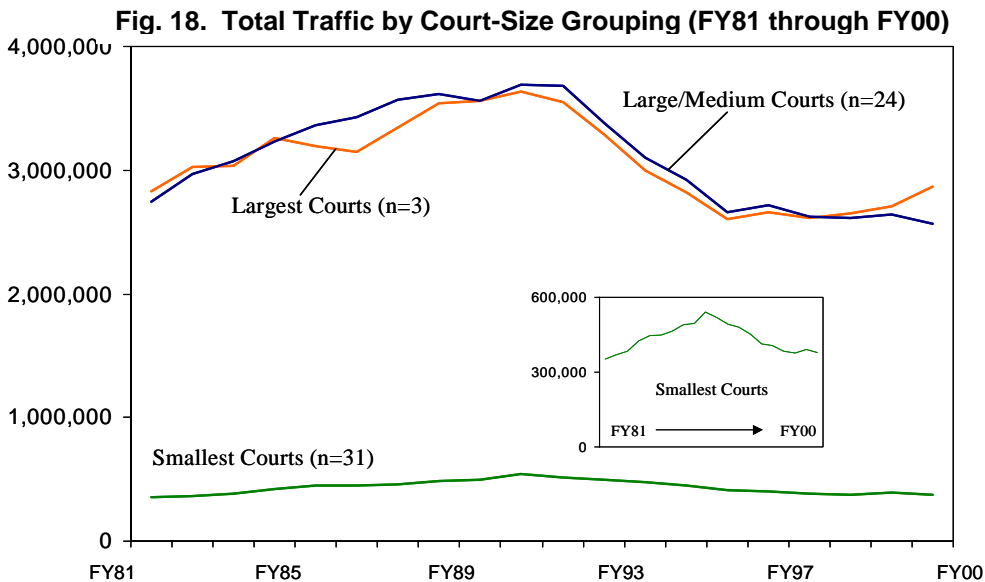
**b. Infractions**

Traffic infractions constitute roughly 80% of all traffic filings. The number of traffic infraction filings declined by 141,719 (-2.7%) over the 20-year period. During the 1980s, filings increased by 25%, reaching a peak in FY90. However, the increase in the 1980s was followed by a decrease in the first half of the 1990s of almost 1.3 million traffic cases. Despite the overall decline in the 1990s, filings have increased by 370,000 since FY95, or an average of 74,000 (+1.5%) cases per fiscal year.



**2. Total Traffic by Court-Size Grouping**

All three groupings by court size share a similar pattern in traffic filings over the 20-year period surveyed. Each group experienced filing increases from the early 1980s to the late 1980s, but experienced decreases from the early 1990s through the end of the 1990s. Both the Largest and Smallest court-size groupings had more filings in FY00 than in FY81, but only the Largest court-size grouping has had a steady increase, albeit a small one, over the last few fiscal years in the 1990s.



Note: A listing of courts within each court-size grouping can be found on p. iii.

### **3. Filings Influences for All Traffic**

#### **a. Overall Decrease in Traffic Case Filings**

Between 1989 and 1999, the number of vehicle registrations in California increased by 1.5 million, bringing the total to 24.1 million vehicles. The number of licensed drivers during this time also grew by 1.5 million, to a total of roughly 21.9 million licensed drivers. Most counties in California, however, experienced declines in the number of traffic case filings since the beginning of the 1990s. Several factors may account for these declines, but most are particular to the individual traffic case types and will be discussed in those sections later in this chapter.

#### **b. Possible Impact of New Licensing Laws on Filing Trends in the Future**

In 1998, California's Graduated Driver License (GDL) went into effect. Graduated Driver License is designed to address the two main causes underlying teen auto accidents<sup>50</sup>— inexperience and distraction caused by other teen passengers.<sup>51</sup> Inexperience and distraction also underlie careless driving that results in moving violations. Consequently, GDL may ultimately impact both teen accident rates and traffic filings, especially in light of the current boom in the youth population.

Graduated Driver License involves three licensing phases. The first phase entails obtaining a driver's permit, which requires passing a written driving test, and completing a certified drivers' education program and 50 hours of supervised driving, including 10 hours of night driving. Upon completing the phase-one requirements, the teen may take a driving test for a provisional license. The provisional phase of the GDL involves several restrictions and conditions:

1. No passengers under the age of 20 for the first 6 months unless an adult is present;
2. No driving between midnight and 5:00 a.m. for the first 12 months unless an adult is present, and;
3. Must maintain a clear record.

One citation or at-fault accident within the first 12 months results in a warning; two or more results in further license restrictions or suspensions. Full licensure occurs at age 18, provided there are no outstanding DMV or court-ordered restrictions, suspensions, or probation.

Although it is too early to know exactly how the GDL will impact filings, there has been a 24% drop in at-fault collisions involving 16-year-olds between 1998 and 2000.<sup>52</sup> Based on the

---

<sup>50</sup> In the 1990s, teens comprised about 4% of the driving population but were involved in 9% all fatal accidents and 10% of all injury accidents. See Allan F Williams, *Teenage Passengers in Motor Vehicle Crashes: A Summary of Current Research* (Insurance Institute for Highway Safety Publications, Dec. 2001).

<sup>51</sup> Several passenger studies found an increase in crash rates for each additional passenger in a vehicle driven by a youth. 16- and 17-year-old drivers experienced 1.6 crashes per 10,000 trips with no passengers; 2.3 with 1 passenger; 3.3 with 2 passengers; and 6.3 with 3+ passengers. Boy passengers pose the greatest risk. See Allan F Williams, *Teenage Passengers in Motor Vehicle Crashes: A Summary of Current Research* (Insurance Institute for Highway Safety Publications, Dec. 2001).

<sup>52</sup> Automobile Club of Southern California, *Graduated Driver License Law Reduces California Teen Passenger Deaths and Injuries 40 Percent* (2001) <<http://www.aaa-calif.com/members/corpinfo/gd12001.asp>>. See also

experience of other states with GDL, as well as that of Canada and New Zealand, there is reason to expect greater reductions in accident rates in the future.<sup>53</sup> It is also reasonable to assume that teens subject to GDL will learn to drive more cautiously in general, given the consequences of receiving more than one citation during the provisional phase. This potential effect of GDL may impact both misdemeanor and infraction traffic case filings in the future.

#### **4. Workload Influences for All Traffic Cases**

Among the 437 new laws affecting the courts that were reviewed for this report (see Methodology), two new Traffic Misdemeanor charges and two new Traffic Infractions were created. New crimes and violations increase both filings and workload in obvious ways. Laws that change court proceedings and/or staff duties impact workload, but in less obvious ways. Nonetheless, the cumulative effect is likely to be significant, given the sheer number of traffic filings in any specified year.<sup>54</sup>

##### **a. Changes Primarily Impacting Courtroom Procedures**

Changes in courtroom proceedings can affect the time required for a hearing or trial. Some statutes are designed to ease workload, such as a 1994 statute allowing trial by written declaration. In traffic cases, most laws impacting courtroom procedures were largely related to sentencing—e.g., the 1991 statute allowing courts to order installation of ignition interlock devices. Although sentencing laws have a minimal impact on courtroom proceedings, post-judgment activities that were mandated in some instances, such as an order to install an ignition interlock device, may incur additional workload for both judicial officers and staff.

##### **b. Changes Impacting Staff Workload**

There were six statutes enacted during the 1990s that required new notices, which have a significant impact workload. Examples include (1) the 1992 statute requiring the court to notify the DMV within 30 days of dismissing a charge of violating a promise to appear if a Failure to Appear Notice was given to the DMV, and (2) the 1999 statute requiring the court to notify DMV of a failure to appear in certain DUI cases. Although it is beyond the scope of this report to quantify the additional workload from those new notice requirements, the example below from El Dorado County suggests that the statewide impact could be significant.

El Dorado County, a court with eight judicial officers, indicated in a FY02 budget request that the reporting requirements of Vehicle Code section 14602.5<sup>55</sup> require an additional 30 minutes per case. The number of cases requiring these reports is very limited; nonetheless, El Dorado estimated an extra two weeks of staff time per year to comply with this one law. If El Dorado's numbers are typical, this one law may have had a significant statewide impact.

---

*Statewide Integrated Traffic Records System Annual Reports (1998—2000)*

<<http://www.chp.ca.gov/html/publications.html>>.

<sup>53</sup> National Highway and Traffic Safety Administration, *Saving Teenage Lives*, <<http://www.nhtsa.dot.gov/people/injury/newdriver/SaveTeens/>>.

<sup>54</sup> Traffic filings comprise 68% of all filings statewide.

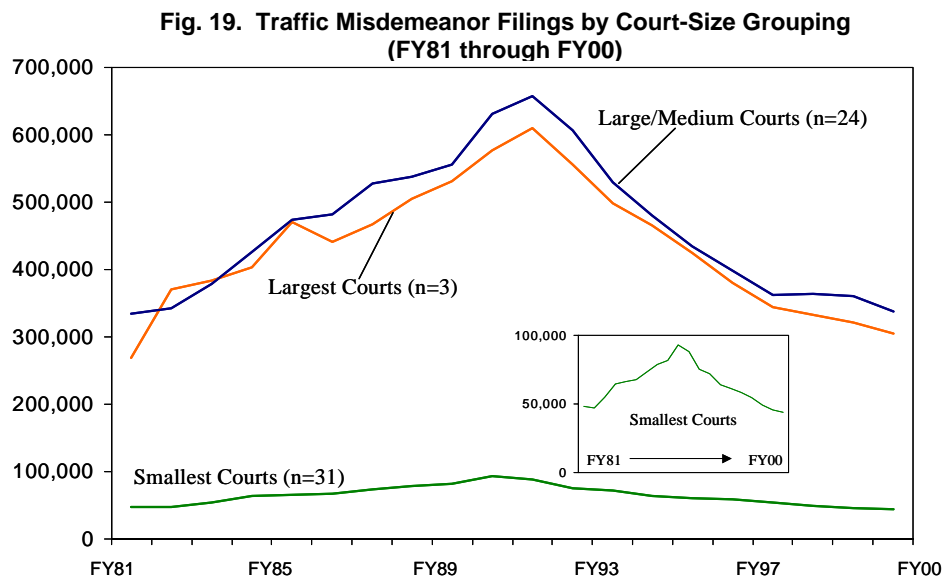
<sup>55</sup> Vehicle Code section 14602.5 enables the judge to order the impoundment of a car driven by a person whose license has been suspended. The court is additionally required to notify the DMV of this action.

## 5. Traffic Misdemeanors

Traffic misdemeanors are one of the highest-volume case types handled by trial courts, second only to traffic infractions.

### a. Filings by Court-Size Grouping

New traffic misdemeanor filings doubled for all court-size groupings during the 1980s, reaching their peak in FY91. Filings then declined steadily during the 1990s, with recent levels generally comparable to the early 1980s. Filings were lower in every court and in every court-size grouping in FY00 than in FY91.



Note: A listing of courts within each court-size grouping can be found on p. iii.

### b. Influences

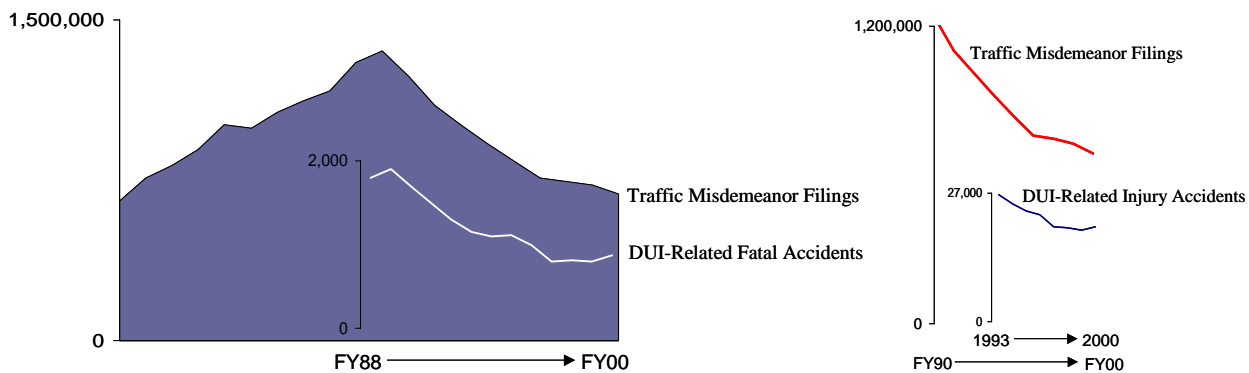
As stated above, traffic misdemeanor filings reached their 20-year high in FY91. The number of filings fell 8.5% in FY92 and another 11% in FY93, and have continued to fall every year since. The most influential factors affecting the decrease in traffic misdemeanor filings in the 1990s have been (1) changes in the laws regarding drunk driving and (2) changes in societal attitudes toward drinking and driving.

#### (1) .08 BAC and Administrative Suspensions (APS)

In 1990, California enacted the .08 Blood Alcohol Content (BAC) and immediate administrative suspension laws, also referred to as the Administrative Per Se (APS) action. Administrative Per Se actions require the DMV to automatically suspend or revoke the driving privilege of persons who are driving with BAC levels of .08 or more, or who refuse a chemical test upon arrest. An APS is independent of any court action that might result from the same arrest.

Between 1991 and 1994, there were 1 million APS actions in California. The BAC change had a positive impact on the incidences of drinking and driving; the automatic suspension provision had the greatest influence on the drop in DUI tickets. Reduction in subsequent DUI offenses among offenders affected by an APS action was 19.5% to 37.1% less than the pre law rates between 1991 and 1994.<sup>56</sup>

**Fig. 20: Drop in DUI-Related Fatal and Injury Accidents Contributed to Decline in Traffic Misdemeanor Filings**



## (2) Zero Tolerance

In 1994, Zero Tolerance reduced the BAC in APS actions to .01 for persons under the age of 21. The .01 APS actions result in automatic license suspension of one year. Between 1994 and 2000, there were 74,000 .01 APS suspensions in California.<sup>57</sup> Research shows a significant portion of those persons at-fault in alcohol-related accidents had prior traffic convictions and/or prior suspensions.<sup>58</sup> The absence of high-risk young drivers on the road as a result of APS actions may have had the added benefit of reducing the number of tickets for reckless driving and hit-and-runs in the second half of the 1990s.<sup>59</sup> More research is required.<sup>60</sup>

## (3) Changes in Attitude

Unlike adult DUI violations, DUI violations among teen drivers began to significantly decline in

<sup>56</sup> Patricia N. Rogers, *California's .08 BAC Limit and Administrative License Suspension Laws Working to Deter Drunk Driving Accidents* (DMV Research Notes, Summer 1997).

<sup>57</sup> Department of Motor Vehicles, *DUI Summary Statistics: 1989 – 1999*, <[http://www.dmv.ca.gov/about/profile/rd/duistats89\\_99.htm](http://www.dmv.ca.gov/about/profile/rd/duistats89_99.htm)>.

<sup>58</sup> See annual *Traffic Safety Facts* reports compiled and published by the National Highway Traffic Safety Administration located at <<http://www.nhtsa.do.gov>>.

<sup>59</sup> The under-21 driver is overrepresented in accidents resulting from reckless driving, especially speeding. See Rhonda Aizenberg, et al., *Teen and Senior Drivers* (Sacramento, CA: California Department of Motor Vehicles and Beverly Foundation, Government Publications, 1997).

<sup>60</sup> The APS action for a BAC .08, on the first action, is a four-month suspension with only 30 days actual suspension if the driver can show insurance coverage, has enrolled in alcohol education/treatment program, and has paid all fines. The remaining three months will involve some restrictions, but driving privileges are restored. And while there are as many as 150,000 APS suspensions per year, the short duration of the .08 BAC suspension probably does not contribute to declines in tickets for reckless driving and hit-and-runs as much as one-year suspensions of younger, more high-risk drivers may be contributing to such declines.

the 1980s. The work of MADD (Mothers Against Drunk Driving) and SADD (Students Against Drunk Driving, now Students Against Destructive Decisions) may be largely responsible. Frequent drinking<sup>61</sup> among the nation's high school seniors dropped 22% between 1982 and 1998. Drinking among youth between the ages of 18 and 21 experienced a similar drop. Despite these drops in frequent drinking, drinking of any kind among all youth has been on the rise since 1993 in most states, including California.<sup>62</sup> However, fatality crashes involving "Had Been Drinking" (HBD) youth have steadily declined. Between 1982 and 1998, HBD fatality crashes involving youth declined by 61%. So while drinking among youth is on the rise again, HBD fatality crashes have not been increasing. Thus, the decrease in drinking by youth may account for some, but by no means all, of the decline in the number of traffic violations involving drinking and driving. It would seem social pressures not to drive or to have a designated driver are important factors contributing to the decline in DUI violations in addition to the changes in the law.

---

<sup>61</sup> The National Highway and Traffic Safety Administration used data from the Monitoring the Future surveys of high school seniors, conducted annually since 1975 [Johnston, O'Malley, and Bachman, "National Survey Results on Drug Use from Monitoring the Future Study, 1975-1998, Vol. 1, Secondary School Students" (Rockville, MD: National Institute on Drug Abuse)]. The measures that appear most relevant to drinking and driving are "Use within the past 30 days" and "5 or more drinks in a row within the past two weeks." In 1982, 70% of the high school seniors reported using alcohol within the past 30 days and 40% reported binge drinking. In 1998, 52% reported having used alcohol within the past 30 days and 31% reported binge drinking.

<sup>62</sup> National Highway and Traffic Safety Administration, *Determine Why There Are Fewer Young Alcohol-Impaired Drivers*, Final Report for the US Department of Transportation, HS 809 348, <<http://www.nhtsa.dot.gov/people/injury/research/FewerYoungDrivers/index.htm>>.

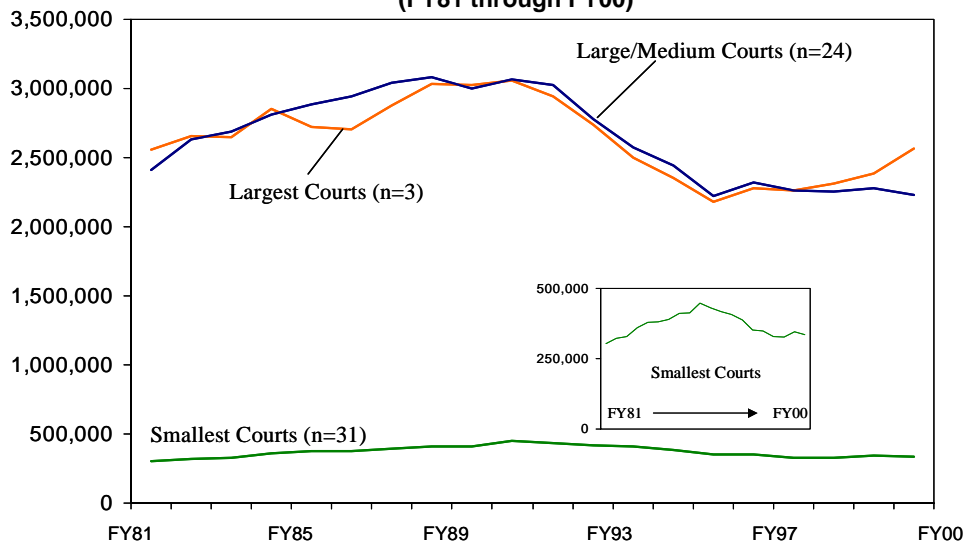
## 6. Traffic Infractions

Traffic infractions are less serious violations of traffic laws and ordinances. These violations are generally punishable by fines, and are the highest-volume case type within the trial court caseload.

### a. Filings by Court Size-Grouping

New filings in the Smallest and Large/Medium court-size groupings increased steadily in the 1980s. The Largest court-size grouping also experienced an increase between FY81 and FY90, but the increase was punctuated by a sharp decrease in the mid-1980s. Following the significant decline in filings over the first half of 1990s for all court-size groupings, filings have leveled off and have even begun rising since FY96 in the Largest court grouping.

**Fig. 21. Traffic Infractions by Court-Size Grouping (FY81 through FY00)**



Note: A listing of courts within each court-size grouping can be found on p. iii.

### b. Influences

Two occurrences may have contributed to declines in traffic infraction cases:

1. Increased CHP workload reduced the number of tickets issued each year; and
2. Reduction in the cities' and counties' share of fines from traffic violations reduced local efforts in traffic enforcement.

#### (1) CHP Workload Increases

A California Highway Patrol (CHP) study, "Staffing and Workload Study,"<sup>63</sup> indicates that several hundred officers were hired between 1988 and 1992 and another 500 between 1994 and

<sup>63</sup> Completed in December 1999.



1996. Because of attrition, the net increase in the number of active officers since FY69-70 is only 7.3%, or 460 officers. Today, the CHP asserts it needs another 2,000 patrol officers to meet its minimum target service levels for road patrol.<sup>64</sup> The resulting increase in workload per officer is likely a contributing factor in the decrease in the number of tickets issued by the CHP. It is unknown whether local law enforcement has incurred similar workload increases, and we are not able to estimate what portion of traffic filings is attributable to CHP ticketing.

## **(2) Split-Fee Changes**

In 1991, the state Legislature reduced the cities' and counties' share of fines and fees raised from traffic violations. There is some indication that this change led to a reduced effort by local law enforcement in traffic enforcement. For instance, within one year after the change in the fees, the number of filings for Traffic Infractions dropped almost 8%. The numbers continued to drop for four more years and then stabilized; by the end of the 1990s, the number of traffic infractions began to go up again.

One or more of the following items may have halted the decline that resulted from the split-fee changes implemented in 1991. First, local governments may have recognized that income would go up if more tickets were issued, even if each ticket brought less money than it did in 1990. Second, population and vehicle and driver increases may have been sufficient to offset the decline per officer. Third, the number of officers may have increased enough to allow more officers to be assigned to traffic enforcement.<sup>65</sup>

---

<sup>64</sup> State of California, Legislative Analyst's Office, *Analysis of the 2000-01 budget Bill: California Highway Patrol* (2000) <[http://www.lao.ca.gov/analysis\\_2000/transportation/tran\\_6\\_2720\\_an100.htm](http://www.lao.ca.gov/analysis_2000/transportation/tran_6_2720_an100.htm)>.

<sup>65</sup> A recent report by the Criminal Justice Statistics Center of the California Department of Justice says that state and local law enforcement personnel increased in number by 23% between 1989 and 1999. It does not indicate how the increases were allocated among police, sheriffs, and CHP, or how the new officers were assigned. See California Dept. of Justice, *Crime in California* (2001) p. 29.